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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

12/15/2008

RICK D. NYDEGGER
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER

WEINER, ERIC A

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 12/15/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,494	06/26/2003	Cornelis K. Van Dok	13768.332	6319

TITLE OF INVENTION: NON-PERSISTENT USER INTERFACE FOR REAL-TIME COMMUNICATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/16/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
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 or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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 Salt lake City, UT 84111

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/16/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
WIENER, ERIC A	2179	715-788000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1015 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1015 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/606,494

Applicant(s)

VAN DOK ET AL.

Examiner

Eric Wiener

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments filed on 11/24/2008.
2. ☒ The allowed claim(s) is/are 1,4-17,20,26-34,36-40,45-50,54-58 and 62-66.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Ba Huynh/
Primary Examiner, Art Unit 2179

DETAILED ACTION

1. This action is responsive to the following communications: Amendments filed on 11/24/2008. Claims 1, 17, 29, and 38 are the independent claims. Claims 1, 4 - 17, 20, 26 - 34, 36 - 40, 45 - 50, 54 - 58, and 62 - 66 are allowable. Claims 2, 3, 18, 19, 21 - 25, 35, 41 - 44, 51 - 53, and 59 - 61 have been cancelled.

Allowable Subject Matter

2. Claims 1, 4 - 17, 20, 26 - 34, 36 - 40, 45 - 50, 54 - 58, and 62 - 66 are allowable.

Applicants' arguments pertaining to claims 1, 4 - 17, 20, 26 - 34, 36 - 40, 45 - 50, 54 - 58, and 62 - 66 in the Remarks filed on 11/24/2008 have been fully considered. In particular, Applicant's arguments pertaining to the newly amended limitations of claims 1, 17, 29, and 38 have been fully considered and are persuasive. In particular, Applicants' argument that neither Ohkado (US 2001/0047626 A1), Caviedes (US 6,646,673), nor the other cited art of record teaches or suggests the limitation corresponding to "determining that the overall level of user interaction is sufficient to expand and separate the conversation window of the intermediate representation from the intermediate representation itself, such that the conversation window appears as a separate interface, expanding the conversation window beyond the window borders of the intermediate representation, such that the conversation window's borders extend at least one of horizontally and vertically beyond the window borders of the intermediate representation, and separating the conversation window from the intermediate representation, such that the

conversation window appears as a separate interface in addition to the intermediate representation of the user interface" is persuasive.

The following is an examiner's statement of reasons for allowance:

Upon further review, independent claims 1, 17, 29, and 38, when each considered as a whole, are allowable over the art of record.

Specifically regarding claims 1, 17, 29, and 38, prior art of record fails to clearly teach or suggest the claimed limitation of:

-in a computer system that supports real time communications between a user of the computer system and one or more contacts that displays an intermediate representation of a user interface for real time communication including a text box and monitors all types of user interaction over a period of time to determine an overall level of user interaction:

determining that the overall level of user interaction is sufficient to expand and separate the conversation window of the intermediate representation from the intermediate representation itself, such that the conversation window appears as a separate interface, expanding the conversation window beyond the window borders of the intermediate representation, such that the conversation window's borders extend at least one of horizontally and vertically beyond the window borders of the intermediate representation, and separating the conversation window from the intermediate representation, such that the conversation window appears as a separate interface in addition to the intermediate representation of the user interface.

Ohkado discloses a method of simplifying user interaction with one or more real time communication user interfaces by adapting the one or more user interfaces to the user's activity level in a computer system that supports real-time communication between a user of the computer system and one or more contacts and a computer program product comprising one or more computer readable media carrying computer executable instructions that implement said method, said method comprising acts of:

- displaying a representation of a user interface for real-time communication, the intermediate representation including a text input box and at least a portion of a received real-time message;
- monitoring user interaction with the intermediate representation of the user interface; and
- determining a level of user interaction with the intermediate representation of the user interface based on monitored user interactions with the user interface and automatically adapting the user interface to the user's activity level by performing at least one of:
 - o based on the determined level of user interaction, and without any explicit user input indicating that the intermediate representation is to be enlarged, automatically enlarging the size of the intermediate representation of the user interface to an enlarged representation appropriate for a high determined level of interaction, wherein the enlarged representation includes the text input box; and

- based on the determined level of user interaction, and without any explicit user input indicating that the intermediate representation is to be enlarged, automatically reducing the size of the intermediate representation of the user interface to a reduced representation appropriate for a low determined level of interaction.

Ohkado further discloses that automatically enlarging or reducing includes determining the location and size of any other application windows that are being displayed in addition to the intermediate representation and automatically enlarging or reducing the intermediate representation without obstructing other windows in accordance with the determined location of the other windows.

In addition, Caviedes discloses numerous types of user interaction that may be monitored over a period of time to determine an “activity information” that essentially serves as an overall activity level used to automatically adapt the representation of a user interface.

However, Ohkado and Caviedes do not explicitly disclose expanding and separating in response to determining that the overall level of user interaction is sufficient, wherein the expanding causes the conversation window's borders to extend at least one of horizontally and vertically beyond the window borders of the intermediate representation and that the separating causes the conversation window to appear as a separate interface in addition to the intermediate representation of the user interface

Therefore claims 1, 17, 29, and 38 are allowable because none of the references, either alone or in combination, explicitly teach determining that the overall level of user interaction is

sufficient to expand and separate the conversation window of the intermediate representation from the intermediate representation itself, such that the conversation window appears as a separate interface, expanding the conversation window beyond the window borders of the intermediate representation, such that the conversation window's borders extend at least one of horizontally and vertically beyond the window borders of the intermediate representation, and separating the conversation window from the intermediate representation, such that the conversation window appears as a separate interface in addition to the intermediate representation of the user interface.

Dependent claims 4 – 16, 20, 26 – 28, 30 - 34, 36, 37, 39, 40, 45 - 50, 54 - 58, and 62 - 66 further add limitations to the allowable subject matter of independent claims 1, 17, 29, and 38, and thus are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weihun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric Wiener/

Examiner, Art Unit 2179

/Ba Huynh/

Primary Examiner, Art Unit 2179